

Final Report

Milwaukee County Code of Ethics Study Committee



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“Law reflects but in no sense determines the moral worth of a society. The values of a reasonably just society will reflect themselves in a reasonably just law. The better the society, the less law there will be. In Heaven, there will be no law, and the lion will lie down with the lamb. The values of an unjust society will reflect themselves in an unjust law. The worse the society, the more law there will be. In Hell, there will be nothing but law, and due process will be meticulously observed.”

-- Grant Gilmore, Yale Law School professor

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1.0 Executive Summary

The Milwaukee County Code of Ethics Study Committee, created by the Milwaukee County Board of Supervisors, studied a wide range of legal and practical issues in the course of deliberating on recommendations to improve the administration of ethical decision-making in Milwaukee County government.

The committee believes that implementation of the recommendations will enhance understanding of and compliance with the code. The committee also recognizes the value that addressing real and perceived deficiencies in ethics code enforcement will have in restoring public confidence in the integrity of Milwaukee County and its officials and employees.

It is clear that improved ethics code language, in and of itself, is insufficient to bring about a culture of ethical behavior. Making good ethical decisions requires a trained sensitivity to ethical issues and a practical method for resolving questions when they arise.

The committee's approach, therefore, has been to adopt recommendations that include a robust education and training component to disseminate information on ethics code compliance throughout the ranks of county government. Further, the committee has devoted significant attention to providing a framework in which affected individuals may seek guidance on ethics issues that may arise in the course of their public duties and responsibilities. The recommended code also contains an index to assist users in locating specific provisions.

Implementation of high ethical standards should be a priority for all levels of government. The committee's recommendations reflect an understanding that sufficient resources should be allocated to the administration and enforcement of these standards by the Milwaukee County Ethics Board.

1.1 Introduction

1.1.1 Purpose of the Committee

As set forth in Resolution No. 06-283 (Appendix A), the Code of Ethics Study Committee was created to “study the existing and proposed provisions of the Milwaukee County Code of Ethics, research comparable codes in other jurisdictions and report recommendations to the Committee on Judiciary, Safety, and General Services for advancement to the full County Board.”

1.1.2 Committee Deliberations

The committee met a total of 17 times and spent significant effort examining the current code, obtaining input from county officials and the general public and considering the areas meriting attention.

A complete list of the committee agenda is included in Appendix C.

1.1.3 Acknowledgments

The committee wishes to acknowledge the generous assistance provided by the Local Government Innovations Fund of the Greater Milwaukee Foundation. A grant was made by the fund that allowed the committee to engage the professional assistance of retired Marquette University Law School Professor Charles Clausen as ethics advisor. Professor Clausen's advice and assistance has been invaluable in the committee's work to revise the county's ethics code.

The committee also extends its thanks to the Milwaukee County District Attorney's Office. District Attorney John Chisholm and Assistant District Attorney David Feiss have loaned their time and expertise in development of a new cooperative protocol designed to improve the administration of ethics enforcement throughout Milwaukee County and its constituent municipalities.

1.1.4 Committee Roster

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2.0 Summary of Recommendations

2.1 Overview of Recommendations

The overarching objective of the committee's recommendations is to create a culture of voluntary compliance and establish easily understood system of rules designed to reinforce behaviors and values that reflect public officials' responsibility to serve the interests of the Milwaukee County community as a whole. The code provisions, therefore, reinforce the need for fair and impartial decision-making and the avoidance of use of public office for personal gain or advantage.

The committee was also guided by the goal of removing political consideration from the administration of the code. A new governance structure is designed to inject a greater degree of community involvement and investment in the process.

The committee's recommendations include several items designed to provide the Ethics Board with the resources necessary to independently and professionally carry out their responsibilities. These include an enhanced educational training component and an acknowledgement of the need to systematically increase the staff resources of the board to achieve these duties.

2.2 Most Critical Issues

2.2.1 Governance

To help avoid the appearance of political influence over the governance of the Ethics Board, the committee recommends a new appointment process in which board members will be nominated by leaders of long-standing, broad-based Milwaukee County civic, professional and faith-based organizations. The recommended nominating organizations include:

- 2.2.1.1: Dean of the Marquette University Law School
- 2.2.1.2: Board Chair of Public Policy Forum
- 2.2.1.3: Board Chair of Greater Milwaukee Committee
- 2.2.1.4: President of Milwaukee Bar Association
- 2.2.1.5: Board Chair of Inter-Faith Conference of Greater Milwaukee
- 2.2.1.6: President of The League of Women Voters of Milwaukee County.

An Ethics Board member will be nominated and appointed for a term of six years and be limited to two consecutive terms. In no event shall a member be appointed to serve on the board for more than twelve consecutive years.

The committee intended to create a balance between entities with a strong base in law, with organizations who are inherently connected to and have interest in helping to maintain a reputable, responsible, and clean government.

The aim of the committee is to empower longstanding respected community entities interested in governmental integrity to assist county government in identifying appointees to govern the Ethics Board.

2.2.2 Clarified Standards of Conduct

The committee has recommended a clear set of standards of conduct setting forth “plain language” expectations and values relevant to public service, reinforcing the need for fair, impartial and conflict-free decision making.

These principles are as follows:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Preserve and protect all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county public official and employee shall not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.

- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county public official and employee accepts the responsibility that his or her mission is that of servant and steward to the public.

2.2.3 Advisory Opinion Process Clarified and Designed to Encourage Code Compliance

Code language has been clarified to provide a mechanism whereby those covered by the code are encouraged to seek guidance from the Ethics Board on questions related to code compliance.

The committee finds this provision important as it further encourages code compliance and prevents one from claiming ignorance as an excuse for non-compliance or intentional violation.

A request for an advisory opinion can be made by an individual, either personally or on behalf of an organization or governmental body, or any one of the appointing authorities.

Requests for advisory opinions, records obtained or filed in connection with requests for such advisory opinions and advisory opinions rendered by the Ethics Board shall be closed to public inspection.

2.2.4 Complaint, Investigation, Hearing and Settlement Procedures

The committee has recommended revised code language to encourage conciliation of disputes by engaging in a preliminary conference with the parties prior to commencing formal proceedings. Further, the committee recommends: (1) eliminate elements of duplication and confusion in the investigational hearing process of considering complaints; (2) encourage settlements of certain cases via voluntary settlements; (3) articulate potential sanctions more clearly; and (4) engage in reviews of complaints in closed session to discourage adversarial approach.

The committee intended to move away from the adversarial nature of the investigation proceedings.

Furthermore, the new code language encourages settlements in every step of the investigation procedure. This aims at avoiding long and expensive adversarial proceedings.

The committee wishes to highlight the deletion of the existing sec. 9.14 Hearing Before County Board in the recommended code changes provided in Appendix B. The committee believes that this section outlining the procedure to be used in the event charges are filed by the Ethics Board with the County

Board should more appropriately be included elsewhere in the code, possibly in Chapter 1, Rules of the County Board of Supervisors.

2.2.5 Protocol Established in Cooperation with Milwaukee County District Attorney

A new protocol adopted in cooperation with the Milwaukee County District Attorney's Office identifies the process for prior D.A. review on suspected code violations. This will establish a clear demarcation between criminal and civil violations and avoid duplication of effort or potentially problematic dual proceedings.

This new approach is also available to each of the Milwaukee County Municipalities seeking guidance in processing ethics questions.

The committee finds it crucial that the District Attorney's Office be involved in determining violations of the code. The new code provides that the DA's Public Integrity Unit reviews each complaint submitted to the Ethics Board for potential criminal violations.

2.2.6 Ban on Political Activity

The code contains a new provision barring county officials from the use of county resources in pursuit of political activities and identifies certain activities not to be undertaken while acting on duty or in an official capacity.

The code outlines specific activities and behaviors to be avoided while county officials are engaged in official duties. The code provision would ban the following activities, if undertaken to influence the outcome of a referendum or to elect or defeat a candidate for elective office:

- Wear or display any campaign material.
- Distribute any campaign literature.
- Solicit contributions for any candidate or referendum position.
- Engage in political campaign activities for any candidate or any referendum position.
- Circulate nomination papers for elected office.

Additional prohibitions addressed in the recommended code language include the following:

- Coercing contributions or services from subordinate employees or to retaliate/reward employees for participating in political activities.

- Promising appointments to a county position as a reward for political activity.

2.2.7 Statement of Economic Interest Form

The committee has adopted a recommendation to revise section 9.04, Milwaukee Code of General Ordinances, to reference income and holdings by spouses of filers in the information included on the SEI.

At the conclusion of the committee's deliberations, a resolution was forwarded which recommended the adoption of the Statement of Economic Interest (SEI) form utilized by the State of Wisconsin. The committee declined to make specific recommendations on the nature of the form to be used, primarily due to the fact that it lacks sufficient information to make an informed decision on the changes that are proposed.

The committee offers the following guidance to policy makers and suggest that further study be undertaken prior to adoption of revised forms:

- The ordinance (Sec. 9.08 (2)) properly identifies the Ethics Board as the body responsible for prescribing the detail of the form. That authority is appropriate and the committee suggests it not be contravened by other entities.
- The committee supports the concept of the disclosure of financial interests and the public policy of informing the public of significant fiduciary relationships and income or payments received from those registered as lobbyists.
- With respect to specific changes that would lower threshold amounts of income to be reported and require the disclosure of the identity of each discrete entity making payments to a corporation, sole proprietorship, partnership, etc., the committee suggests that additional study be undertaken to avoid unintended consequences. Specifically, the committee recommends that the interests of public disclosure be balanced against the following considerations before such changes are made:
 1. The impact that requiring detailed income information from filers and members of their immediate family would have on: (1) privacy interests; (2) attorney-client privilege; (3) federal HIPPA guidelines; and (4) other privileged communications.
 2. The chilling effect that a significant expansion of the information required to be reported would have on the pool of

future interested candidates for public office, volunteers to serve on boards and commissions, and county employees.

2.2.8 Education and Training

The committee recommends a robust education component be a part of the Ethics Board's Responsibilities so that those covered may be properly informed about the principles and policies of the County Ethics Code. Such an education component is crucial in encouraging voluntary compliance and preventing unintentional violations.

An overall training program for ethics and laws governing public official conduct should cover, at a minimum, the following aspects of the code:

- Personal financial gain laws (for example, disclosure and disqualification requirements, prohibited interests in contracts, bribery).
- Special privileges and perks laws (gift limits and disclosure requirements, prohibitions against personal and political use of public resources).
- Fairness laws (bias, procurement, hiring).
- Open government laws (public records, open meetings requirements).
- Whistle-blowing protections.
- Ban on political activities.

Because of the complexity of those subjects, training should occur in discrete segments to maximize both comprehension and retention. For example, the Ethics Board might focus on different topics during each session. In addition, the Ethics Board should communicate information about ethics law requirements through multiple communications channels. An example is periodic bulletins or memos to relevant county officials reminding them of relevant ethical standards and legal requirements. The Ethics Board is encouraged to use web-based communications vehicles and employ methods to help ensure that all those covered by the code have access to and acknowledge receipt and understanding of the laws and regulations.

Finally, all training should emphasize the fact that the law is a floor for acceptable conduct, not a ceiling. Moreover, focusing on minimum levels of compliance with legal standards is a risky compliance strategy in and of itself. A truly effective compliance training program will focus on the values and ideals that the law is trying to protect - sometimes known as complying with not only the letter of the law, but also its spirit.

The education and training should also be designed to guide individuals covered by the code in obtaining answers to questions that might arise regarding compliance. Such resources can and should add to the analysis on what the overall “right” thing to do might be in a given situation-ideally above and beyond what the law requires.

2.2.9 Adequacy of Resources

The 2007 Milwaukee County Ethics Board budget's funded positions consist of 25% of the salary and fringe benefits of the Executive Secretary of the Personnel Review Board, who also functions as the Executive Director of the Ethics Board, and an Administrative Assistant. The committee views the current budget resources devoted to the Ethics Board as inadequate to carry out the provisions of the ordinance.

The committee determined that in order to truly commit to enforcing the new code and educating those covered by it, adequate funding is required. There is a need to increase the staff available to the Ethics Board dedicated to providing services the code prescribes. The committee asks that a full time Executive Director position be added, as well as a full time Administrative Assistant.

Unless sufficient resources are provided to the Ethics Board to carry out the administration of the county's ethics laws and regulations, the changes and reforms recommended by this committee will largely be for naught.

Accordingly, the committee endorses increasing the Ethics Board's budgeted resources to the level set forth in Appendix F. By ensuring sufficient professional staff resources, including one full-time Executive Director responsible for communicating and administering the substantive provisions of the code, a true commitment will be demonstrated to Ethics Code administration, education, and enforcement.

3.0 Appendix A: Authorizing Resolution (06-283)

By Supervisor Rice

06-283

A RESOLUTION

to create a Code of Ethics Study Committee to study the existing and proposed provisions of the Milwaukee County Code of Ethics, research comparable codes in other jurisdictions and report recommendations to the County Board.

WHEREAS, the Code of Ethics ("Code") has been modified several times (e.g., File Nos. 87-843, 90-300, 90-365, 04-191) since its creation as Chapter 9 in the Milwaukee County Code of General Ordinances in 1975; and

WHEREAS, modifications to the Code have generally been responsive in nature, precipitated by events that have tested Code provisions, and have resulted in a Code that is reactive rather than proactive; and

WHEREAS, the Milwaukee County Corporation Counsel noted in a memo dated April 10, 2006 that "[t]he difficulty of this method of reform is that it often reacts to a specific set of facts and may not be appropriate or workable when another set of facts is presented"; and

WHEREAS, because the Code of Ethics represents the means to instill public confidence in the integrity of county government by establishing standards of conduct for Milwaukee County officials, it is imperative that all provisions of and any proposed revisions to the Code receive thorough scrutiny for processes and propriety; and

WHEREAS, a Code of Ethics Study Committee, composed of County officials and members of the community, will function as an evaluator of existing and proposed provisions of the Milwaukee County Code of Ethics, and make recommendations to the Committee on Judiciary, Safety and General Services; now, therefore

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby creates the Code of Ethics Study Committee to study the existing and proposed provisions of the Milwaukee County Code of Ethics, research comparable codes in other jurisdictions and report recommendations to the Committee on Judiciary, Safety and General Services for advancement to the full County Board; and

BE IT FURTHER RESOLVED, that the Code of Ethics Study Committee shall be composed of the following members: the Ethics Board Chairman or designee, the Corporation Counsel or designee, one County Board Supervisor designated by the County Board Chairman, and County Board staff; and

42
43 BE IT FURTHER RESOLVED, that the County Board Chairman and County Executive
44 are each authorized to appoint one community member who shall be representative of an
45 academic, civic or faith-based community; and
46

47 BE IT FURTHER RESOLVED, that the Code of Ethics Study Committee shall issue an
48 interim study report for consideration at the December 2006 meeting of the Committee on
49 Judiciary, Safety and General Services.

4.0 Appendix B: Recommended Code Revisions

Chapter 9 CODE OF ETHICS

- 9.01. Declaration of Policy and Ethical Principles
- 9.02. Definitions
- 9.03. Financial Disclosure
- 9.04. Form of Statement.
- 9.05. Standards of Conduct.
- 9.06. Political Activity
- 9.07. Ethics Board: Composition, Appointment, Staffing and Meetings.
- 9.08. Duties of the Ethics Board.
- 9.09. Advisory Opinion, Formal Opinions, Corporation Counsel Opinions, Investigation Requests, and Verified Complaints
- 9.10. Preliminary Conference
- 9.11. Hearing Procedure
- 9.12. Findings of Fact, Conclusions of Law, Orders, and Recommendations
- 9.13. Settlements
- 9.14. Honorariums, Fees, and Expenses

9.01. Declaration of Policy and Ethics Principles.

(1) Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that decisions and policy be made in the best interests of the people, the community, and the government; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, this code of ethics shall apply to all candidates for county office, elected and appointed officers and employees of the county, and members of county boards and commissions. Nothing contained herein is intended to deny to any individual those rights granted by the United States Constitution, the constitution and laws of the State of Wisconsin, or labor agreements negotiated with certified employee bargaining representatives. The purpose of this code is to establish standards of conduct to assist public officials and employees in avoiding those acts or actions that are incompatible with the best interests of county government and the people of Milwaukee County. Further this code provides the process by which determinations are made that public officials or employees have acted in ways which are incompatible with the best interests of county government and of the people of Milwaukee County.

(2) Ethical Principles. The ethical county public official or employee shall:

- Properly administer the affairs of the county.
- Promote decisions that only benefit the public interest.
- Actively promote public confidence in county government.
- Preserve and protect all funds and other properties of the county.

- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public, employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county public official or employee shall not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source that is offered to influence his or her action as a public official.

The ethical county public official or employee accepts the responsibility that his or her mission is that of servant and steward to the public.

9.02. Definitions.

(1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, business, or other consideration having a value greater than twenty five dollars (\$25.00), but does not include compensation and expenses paid by the county, fees and expenses which are permitted and reported under section 9.14 of the Code, political contributions which are reported under ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to county business by a person other than an organization.

(1m) "Appointed official" means any member appointed to a county commission or board.

(2) "Associated," when used with reference to an organization, includes any organization in which an individual or a member of his/her immediate family is a director, officer, or trustee, or who has a significant fiduciary relationship or an individual who owns or controls, directly or indirectly, and severally or in the aggregate, at least ten (10) percent of the outstanding equity.

- (3) "Board" means the Ethics Board.
- (4) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity that engages in profit-making activities.
- (5) "Conflict of Interest" means a public official's or employee's action or failure to act in the discharge of his or her official duties which could reasonably be expected to produce or assist in producing a substantial economic or personal benefit for such official, his or her immediate family or an organization with which he or she is associated.
- (6) "Elected official" means any person holding an elected county office.
- (7) "Employee" means any person holding an office or position in the classified service of the county or any person holding a non-classified office or position, except elected officials and appointed officials.
- (8) "Gift" means the payment or receipt of anything of value without valuable and sufficient consideration.
- (9) "Immediate family" means an individual's:
- (a) spouse; and
 - (b) child, parent or sibling or in-law or step-relative of the same degree who receives, directly or indirectly, more than one-half of his/her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his/her support.
- (10) "Investigation Request" means a written statement from a person stating that there are specific acts or omissions by an identified person subject to the Code from unverified sources which appear prima facie to constitute a violation of the Code and for which the requestor is seeking that an investigation be undertaken to determine whether a matter should be pursued under the Verified Compliant proceedings. The investigation request must remain confidential until disclosure is permitted or required by the Code unless the subject of the complaint requests in writing that it be made part of the public record.
- (11) "Lobbying" means the practice of attempting to influence legislative or administrative action by oral or written communication with any public official.
- (12) "Ministerial action" means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.
- (13) "Organization" means any stock or non-stock corporation, partnership, proprietorship, firm, enterprise, franchise, incorporated or unincorporated association, trust or other legal entity other than an individual or body politic.

- (14) "Privileged information" means information obtained under government authority which has not become a part of the body of public information.
- (15) "Probable cause" means information sufficient to support a reasonable belief that an identified person has or may have violated one or more provisions of this Code.
- (16) "Public official" means any elected official or appointed official.
- (17) "Reporting period" means any 6-month period beginning with Jan. 1 and ending with June 30 or beginning with July 1 and ending with Dec. 31 or annual period beginning January 1 through December 31.
- (18) "Significant fiduciary relationship" means owning or controlling, directly or indirectly:
- (a) At least ten (10) percent of the outstanding stock or stock of any business corporation having a cost or market values of at least five thousand dollars (\$5,000.00), or
 - (b) An interest of at least ten (10) percent or five thousand dollars (\$5,000.00) of any organization.
- (19) "Resources" means county supplies, services, property, or facilities not available to all citizens.
- (20) "Verified Complaint" means a written statement from a person, given under oath and subscribed before a notary public or other official authorized to administer oaths, alleging specific acts or omissions constituting a violation of the Code by an identified person subject to the Code. The Verified Complaint must remain confidential until disclosure is permitted or required by the Code unless the subject of the complaint requests in writing that it be made part of the public record.

9.03. Financial disclosure.

(1) COUNTY OFFICIALS, CANDIDATES OR EMPLOYEES REQUIRED TO FILE STATEMENTS OF ECONOMIC INTEREST: All county elected and appointed officials, candidates for elected county offices, and county employees, whose duties and responsibilities; performed for or on behalf of the county or any board or commission thereof, include the awarding or execution of contracts for the purchase of supplies, services, materials, and/or equipment; the construction of public works; and/or the sale or leasing of real estate or who may be designated by the Ethics Board, shall file statements of economic interests as set forth in this section. In the case of members of boards and commissions, the Ethics Board may, in its discretion, require the filing of economic interest statements by members of boards and commissions. Upon failure of any such person to file the requested statement within a period of thirty (30) days from the date requested in writing by the Ethics Board, such person shall be subject to those penalties applicable to others who fail to file such statements as required by this chapter.

- (2) FILED WITH COUNTY ELECTION COMMISSION: Statements of economic interests shall be filed with the county election commission on the date of the filing of nomination papers:
- (a) By all county elected officials when initially a candidate for office; and

- (b) By all candidates for county elected offices.
- (3) **FILE WITHIN 30 DAYS OF EMPLOYMENT OR TAKING OFFICE:** Upon entering county employment, elected office, or appointment as a public official, persons required to file statements of economic interests shall do so within thirty (30) days after commencement of employment or of taking oath of office.
- (4) **ANNUAL STATEMENT OF ECONOMIC INTEREST FILING REQUIREMENT**
- (a) Each person required to file a statement of economic interests shall file updated statements with the Ethics Board within thirty (30) days after the closing of each calendar year.
 - (b) **QUARTERLY FINANCIAL DISCLOSURE REQUIRED FOR PENSION BOARD:** Each member of the county pension board and each employee of the pension board who is a county official or employee, shall complete and file with the Ethics Board a quarterly financial disclosure statement no later than the last day of the month following the end of each calendar quarter or any portion thereof in which he or she was a member or employee of the county pension board. Such financial disclosure statements shall be in the form prescribed by the Ethics Board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by this code.
 - (c) **NO COMPENSATION UNTIL FILING:** A person required to file a statement of economic interests under this section shall not receive his/her salary or other compensation until he/she files such statement of economic interests.
 - (d) **DISCLOSURE BY SPOUSE:** County elected officials, appointed officials, candidates, and employees required to file statements of economic interests, as required by section 9.03, shall include and file statements of a spouse's employment and financial assets and liabilities.
- (5) **AFFIDAVIT OF COMPLIANCE:** Within thirty (30) days after the close of each calendar year, all county employees and public officials referred to in section 9.03(1) shall file with the Ethics Board a sworn affidavit regarding compliance with statements of economic interests provisions found in this chapter. The sworn affidavit shall be a form provided by the Ethics Board as approved by the county board and shown as Appendix A to this chapter.
- (6) **UPDATING RECOMMEND LIST OF INDIVIDUALS COVERED:** Each department head in the service of the county shall submit to the executive director of the Ethics Board an updated list of the job titles and position numbers of those incumbents within his/her jurisdiction. He/she shall indicate on the list whom, in his/her opinion, should be required to file statements of economic interests and sworn affidavits.

9.04. Form of Statement.

The person filing a statement of economic interests, as required under this chapter, shall file the statement on a form prescribed by the Ethics Board, with the concurrence of Corporation Counsel and the Department of Audit, and shall include the following information applicable as of the 15th day of the month preceding the month in which the statement is required to be filed:

- (a) The identity of every significant fiduciary relationship, organization associated with and the offices and directorships held by him/her or his/her spouse;
- (b) The identity and amount of bonds, debentures, or debt obligations of a municipal corporation or other corporation, in excess of five thousand dollars (\$5,000.00), held by him/her or his/her spouse;
- (c) The name of any creditor to whom he/she or his/her spouse owes five thousand dollars (\$5,000.00) or more and the amount owed;
- (d) The identity of each significant fiduciary relationship and the identity and amount of property, bonds, debentures, or debt obligations of a municipal corporation or other corporation in excess of five thousand dollars (\$5,000.00) transferred by him/her or his/her spouse to a member of his/her immediate family during the two (2) calendar years preceding the filing of the statement;
- (e) The identity of real property in the county or contiguous county in which the person or his/her spouse holds an interest and the nature of the interest held. Real property exempted from reporting includes:
 - 1. The principal residence of such person or his/her spouse; and
 - 2. Real property for which the pro rata share of such person or his/her spouse is less than ten (10) percent of the outstanding shares or is less than an equity value of five thousand dollars (\$5,000.00).
- (f) The identity of each non-stock corporation:
 - 1. Which such person or his/her spouse holds an office or position and the title of the office or position; and
 - 2. Which is doing business with the county or operating in the county.

9.05. Standards of Conduct.

(1) **NO PERSONAL OR ECONOMIC INTEREST IN DECISIONS AND POLICIES:** The county board hereby reaffirms that a county elected official, appointed official or employee holds his/her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. This chapter shall not prevent any county elected official, appointed official or employee from accepting other employment or from following any pursuit which does not interfere with the full and faithful discharge of his/her duties to the county. The county board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as public officials or public employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for public employees and public elected and appointed officials need to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material; and that county elected officials, appointed officials or employees may need to engage in employment and/or professional or business activities, other than official duties, in order to support their families and to maintain a continuity of professional or business activity or may need to maintain investments. However, the code maintains that such activities or investments must not conflict with the specific provisions of this chapter.

(2)(a) **NO FINANCIAL GAIN OR ANYTHING OF SUBSTANTIAL VALUE:** Except as otherwise provided or approved by the county board, no county public official or

employee shall use his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated. This paragraph does not prohibit a county elected official from using the title or prestige of his/her office to obtain campaign contributions that are permitted by and reported as required by ch. 11, Wis. Stats.

- (b) **NO PERSON MAY OFFER ANYTHING OF VALUE:** No person shall offer or give to any public official or employee, directly or indirectly, and no public official or employee shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction or omission by of the public official or employee. This section does not prohibit a public official or an employee from engaging in outside employment.
- (c) **NO SUBSTANTIAL INTEREST OR BENEFIT:** Except as otherwise provided in paragraph (i), no public official or employee shall:
 - 1. Take any official action substantially affecting a matter in which the public official, employee, a member of his/her immediate family, or an organization with which the public official or employee is associated has a substantial financial interest.
 - 2. Use his/her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the public official, employee, members of the public official's or employee's immediate family either separately or together, or an organization with which the public official or employee is associated.
- (d) **NO DISCLOSURE OF PRIVILEGED INFORMATION:** No county public official or employee shall use or disclose privileged information gained in the course of, or by reason of, his/her position or activities which in any way could result in financial gain for himself/herself or for any other person.
- (e) **NO USE OF PUBLIC POSITION TO INFLUENCE OR GAIN UNLAWFUL BENEFITS, ADVANTAGES OR PRIVILEGES:** No county public official or employee shall use or attempt to use his/her public position to influence or gain unlawful benefits, advantages, or privileges for himself/herself or others.
- (f) **NO OFFER OF GIFTS OR ANYTHING OF VALUE:** No county public official shall offer or give anything of value to a member or employee of a county department or entity, while that member or employee is associated with the county department or entity, and no member or employee of a department shall solicit or accept from any such person anything of value from a county official or employee.
- (g) **LIMITS ON CONTRACTS WITH COUNTY:** No county public official or employee and no business with which he/she or his/her spouse has a significant fiduciary relationship or any organization with which he/she or his/her spouse is associated shall enter into any contract with the county unless that contract has been awarded through a process of public notice and competitive bidding in conformity with applicable federal and state statutes and county ordinances.
- (h) **LIMITS ON LEASE OF REAL ESTATE WITH COUNTY:** No county public official or employee and no business in which that county public official or employee has a ten (10) percent or greater interest shall enter into a lease of real property with the county, except

that the county board, upon a publicly filed and considered request, shall waive this subsection when it is in the best interests of the county.

- (i) **NO LIMITS ON LAWFUL PAYMENTS:** Paragraph (c) does not prohibit an elected official from taking any action concerning lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an elected official from taking official action with respect to any proposal to modify a county ordinance.
 - (j) **NO SOLICITATION OF AT-WILL EMPLOYEES:** No elected county official shall knowingly solicit a campaign contribution from any "at-will employee" defined as an employee who is not under union or labor contract with the county, who is hired for an indefinite term or who is under an independent contract with the county or its subparts or who can be discharged or terminated at any time for any nondiscriminatory reason.
 - (k) **NO CAMPAIGN CONTRIBUTIONS TO COUNTY OFFICIALS WITH APPROVAL AUTHORITY:** No person(s) with a personal financial interest in the approval or denial of a contract or proposal being considered by a county department or with an agency funded and regulated by a county department, shall make a campaign contribution to any county elected official who has approval authority over that contract or proposal during its consideration. Contract or proposal consideration shall begin when a contract or proposal is submitted directly to a county department or to an agency funded or regulated by a county department until the contract or proposal has reached final disposition, including adoption, county executive action, proceedings on veto (if necessary) or departmental approval. This provision does not apply to those items covered by section 9.14 unless an acceptance by an elected official would conflict with this section. The language in section 9.05(2)(k) shall be included in all Requests for Proposals and bid documents.
 - (l) **LIMITS ON HONORARIUM FEES OR EXPENSE REIMBURSEMENTS:** No county public official or employee shall accept or solicit any honorariums, fees or expense reimbursements except in accordance with section 9.14.
- (3) **LIMITS ON CONTACT:**
- (a) **LIMITS ON CONTACT WITH FORMER COUNTY ASSOCIATES:** No former county public official or employee, for twelve (12) months following the date on which he/she ceases to be a county public official or employee, shall, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before or try to settle or arrange a matter by calling, writing, or conferring with, any county public official, officer or employee of the department with which he/she was associated as a county public official or employee.
 - (b) **LIMITS ON CONTACT WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS:** No former county public official or employee for twelve (12) months following the date on which he/she ceases to be a county public official or employee, shall for compensation on behalf of himself/herself or any person other than a governmental entity, make any formal or informal appearance before, or try to settle or arrange a matter by calling, writing, or conferring with, any county public official, officer or employee of a department in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which was under the former public official's or employee's responsibility as a county public official or employee.

- (c) **LIMITS ON CONTACTS WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS WHERE PERSONALLY PARTICIPATED:** No former county public official or employee shall, whether for compensation or not, act on behalf of any party other than the county in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge in which the former public official or employee participated substantially as a public official or employee.
- (d) **CONSIDERATION OF EXEMPTIONS:** The Ethics Board shall accept and review written requests by former appointed officials for an exemption from the prohibitions of (3). Such exemption requests must be heard and deliberated during a properly convened open session of an Ethics Board meeting and must be included in a written Ethics Board opinion stating the reason(s) that the former appointed official should be exempt from the otherwise prohibited conduct.

9.06 Political Activity

(1) **CAMPAIGN PROHIBITIONS:** No county public official or employee during established hours of employment or while engaged in his or her official duties shall, for the apparent purpose of influencing the outcome of any referendum, or seeking to elect or defeat a person seeking elective office:

- (a) Wear or display any campaign material.
- (b) Distribute any campaign literature.
- (c) Solicit contributions for any candidate or referendum position.
- (d) Engage in political campaign activities for any candidate or any referendum position.
- (e) Circulate nomination papers for elected office.

(2) **COERCION PROHIBITED:** No county employee shall in any way coerce or attempt to coerce contributions or services from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliate against or reward an employee for refraining from participating in any political activity.

(3) **PROHIBITION ON REWARDS:** No county elected official or candidate for a county elected office shall promise an appointment to any county position as an apparent reward for any political activity.

(4) **LAW ENFORCEMENT BILL OF RIGHTS:** Law enforcement officers shall be entitled to the rights set forth in Ch. 164, Wis. Stats.

(5) **LIMITATIONS ON FEDERALLY FUNDED EMPLOYEES:** Pursuant to 5 U.S.C. Sec. 15.02, (as modified from time to time) employees whose positions are federally funded in whole or in part may not be candidates in partisan elections without first being granted an unpaid leave of absence.

9.07. Ethics Board: Composition, Appointment, Staffing and Meetings.

(1) The Ethics Board shall be composed of:

- (a) **SIX MEMBERS:** six (6) adult residents of the county;

(b) **NOMINATING AUTHORITIES:** the nominating authorities shall be the following entities:

1. Dean of the Marquette University Law School
2. Board Chair of Public Policy Forum
3. Board Chair of Greater Milwaukee Committee
4. President of the Milwaukee Bar Association
5. Board Chair of Inter-Faith Conference of Greater Milwaukee
6. President of the Board of the League of Women Voters of Greater Milwaukee.

The nominating authorities are leaders of longstanding, broad-based Milwaukee County entities interested in good government and institutional integrity. Ethics Board members serve the residents of Milwaukee County, according to their oaths of office and act independently from the nominating and appointing authorities.

(c) **COMPLETION OF TERMS:** Upon the effective date of this Code, current Ethics Board sitting members shall complete their respective current terms, to preserve continuity and experience on the Ethics Board.

1. Any sitting member at the time of the effective date of this Code is eligible for reappointment to the Ethics Board by the nominating entities.
2. Any sitting member at the time of the effective date of this Code, if nominated by an appointing entity for a six-year term, would not be subject to the limitations of (g) for that initial nomination.

(d) **SOLICITATION OF NOMINATIONS:** The county executive shall solicit nominations from the nominating authorities for term appointments according to the order in which they are listed above, except as provided in sec. 9.07(1)(e)(3)(i).

(e) **NOMINATION PROCEDURE:** Each nominating authority, upon request of the county executive, shall submit the names of up to two (2) nominees to the county executive who shall then select and submit the name of one of the nominees as an appointee to the county board for confirmation.

1. The county executive shall notify a nominating entity 180 days before a term is expiring which the nominating entity is to fill.
2. The nominating entity shall submit a nomination(s) to the county executive 120 days before the expiration of the term of the impending vacancy.
3. In the event of a vacancy during a member's term, the county executive will provide immediate notification of the vacancy.
 - (i) The notification shall be provided to the nominating entity which nominated the member who is leaving the Ethics Board.
 - (ii) The nominating entity must submit a nomination(s) of up to two (2) names to the county executive within 30 days.
 - (iii) If the mid-term vacancy is of a Ethics Board member appointed prior to the effective date of this Code, then the county executive will notify the nominating entity which is charged with the next nomination, as provided in sec. 9.07(1)(d).
 - (iv) A resume of each nominee for appointment to the Ethics Board shall be submitted to the county executive. The county executive shall submit the name of his/her appointee to every member of the county board at least

thirty (30) days prior to county board action on confirmation of the nominee for appointment.

- (v) Upon receiving the nomination from the nominating entity, the Ethics Board's Executive Director shall provide to the appointee all pertinent information concerning Ethics Board member's authority and duties and Ethics Board operations.

(f) SIX-YEAR TERM: Except as provided in sec. 9.07(1)(c), a member shall be nominated and appointed for a term of six (6) years.

(g) LIMIT OF TWO CONSECUTIVE TERMS: A member shall be limited to two (2) consecutive terms but in no event shall a member be appointed for more than twelve (12) consecutive years.

(h) ELECTION OF CHAIR AND VICE CHAIR: The Chair and vice chair shall be elected annually at the Annual Meeting, pursuant to sec. 9.07(3)(b). In the event of a vacancy in the office of chair, the Ethics Board shall elect the Chair in a properly convened meeting and in open session pursuant to sec. 9.07(3)(c)(2).

(i) MEMBER CANNOT BE COUNTY PUBLIC OFFICIAL OR EMPLOYEE: A member shall not hold any other public office or employment in the government of the county while serving on the Ethics Board.

(j) CANDIDATES FOR PUBLIC OFFICE MUST RESIGN: A member of the Ethics Board who officially files as a candidate for public office while serving on the Ethics Board must resign his/her position on the Ethics Board or be subject to removal by the Ethics Board.

(k) REMOVAL OF BOARD MEMBERS ONLY FOR CAUSE: Removal from the Ethics Board shall be for cause, according to the rules and procedures of the Ethics Board

(2). APPOINTMENT OF EXECUTIVE DIRECTOR AND ADDITIONAL PERSONNEL: The county executive shall appoint, subject to confirmation by the county board, an Executive Director who shall perform such duties as the Ethics Board assigns to him/her. The county board shall provide such additional personnel as may be required in the administration of this chapter and execution of the duties of the Ethics Board.

(3) (a) FOUR (4) MEETINGS PER YEAR: The Ethics Board shall meet at least four times per year and shall meet specifically during the months of February, May, September and December.

(b) FEBRUARY ANNUAL MEETING: The February meeting will be designated as the Annual Meeting of the Ethics Board.

(c) METHOD OF CALLING MEETINGS: All mandatory or additional meetings of the Ethics Board:

1. shall be called by the Chair; or
2. by a minimum of three (3) members of the Ethics Board upon written request to the Executive Director.

(4) AFFIRMATIVE VOTE FOR ACTION Any action by the Ethics Board shall require an affirmative vote of four (4) members.

9.08. DUTIES OF THE ETHICS BOARD

(1) **AUTHORITY:** The Ethics Board shall serve as the sole authority for interpreting the Code, for applying the Code to written requests for Advisory Opinions and Formal Opinions, for deciding the outcome of Verified Complaints, for conducting meetings and for establishing policies and procedures for internal operations.

(2) **WRITTEN RULES OF POLICY AND PROCEDURES:** The Ethics Board shall adopt such written rules of policy and procedure to execute its duties and obligations under this chapter. The Ethics Board rules shall be made available for public inspection and reference.

(3) **FORMS:** The Ethics Board shall prescribe and make available forms for use under this chapter.

(4) **RECORDS FOR PUBLIC INSPECTIONS:** The Ethics Board shall accept and file and have available for public inspection any information related to the purposes of this chapter which is supplied by any person, in addition to the information required by this chapter excepting that which this chapter provides is not to be made available for public inspection or scrutiny.

(5) **PRESERVE STATEMENTS OF ECONOMIC INTERESTS FOR SIX YEARS:** The Ethics Board shall preserve the statements of economic interests filed with the Ethics Board for a period of six (6) years from the date of receipt in such form as will facilitate document retention.

(6) **REPORT OF INQUIRY TO INDIVIDUAL WHO FILED STATEMENT OF ECONOMIC INTERESTS:** The Ethics Board shall report in writing to the individual who filed a statement of economic interests, as soon as possible, the identity of any individual seeking to copy or obtain information from a statement of economic interests. This subsection does not apply to the Ethics Board or to any individual acting on behalf of the Ethics Board.

(7) **FILE AND COMMUNICATE DETERMINATIONS:** The Ethics Board shall file and publicly communicate the determinations of Verified Complaints and formal opinions, according to the provisions of sec.9.09.

(8) **RETAIN ADVISORY OPINIONS:** The Ethics Board shall retain Advisory Opinion requests and opinions, according to the provisions of sec.9.09.

(9) **PREPARE AND FILE ANNUAL REPORT:**

- (a) The annual report shall be prepared and approved by the Ethics Board no later than April 1 of each succeeding year.
- (b) The Annual Report shall be submitted to the county executive and the county board.
- (c) The Annual Report will report on the Ethics Board's actions, compliance with prescribed duties, operations and activities during the preceding calendar year, including a summary of its determinations, a synopsis of each Advisory Opinion issued under sec.9.09 of the code, a synopsis of each finding by the Ethics Board that a violation of the Code was committed, and the current and complete text of all opinions issued by the Ethics Board.

- (d) Such synopses shall be redacted to remove names and any other information that would disclose identifying information of any individual county public official or employee seeking the Advisory Opinion or any person or entity discussed in the Advisory Opinion.

(10) PUBLIC EDUCATION: Assist and cooperate with other county entities in the public education regarding the Code, amendments to the code, and advisory and formal opinions issued by the Ethics Board.

(11) RETAIN EXPERTS: Retain outside counsel, hearing examiners, and other experts as needed after solicitation of recommendations from corporation counsel and upon such contract for services approved for form and content by corporation counsel.

(12) CONDUCT INVESTIGATIONS: Conduct investigations, order hearings of Verified Complaints and hear cases of Verified Complaints.

9.09. Advisory Opinion, Formal Opinions, Corporation Counsel Opinions, Investigation Requests and Verified Complaints.

(1). ADVISORY OPINION.

- (a) REQUEST FOR ADVISORY OPINION: A request may be made of the Ethics Board for an Advisory Opinion:
 - (i) By any individual, either personally or on behalf of an organization or governmental body, regarding the propriety of any matter to which the person is or may be engaged in as provided by sec. 9.09.
 - (ii) By any appointing authority, with the consent of a prospective appointee to a county office or position of employment in county service, regarding the propriety of any matter in which the prospective appointee is or may be engaged, as provided under sec. 9.09.
- (b) ADVISORY OPINION REQUESTS CLOSED FROM PUBLIC INSPECTION: Requests for Advisory Opinions, records obtained or filed in connection with requests for such Advisory Opinions and Advisory Opinions rendered by the Ethics Board shall be closed to public inspection.
- (c) The Ethics Board shall review a request for an Advisory Opinion and may advise a person or organization making the request.
 - (i) Advisory Opinion requests shall be in writing.
 - (ii) Advisory Opinion requests are not “public records” pursuant to Ch. 19, Wis. Stats., unless the person or organization requesting the Advisory Opinion or the person who is the subject of the Advisory Opinion requests, in writing, that the matter be made part of the public record.
- (iii) It is prima facie evidence of intent to comply with this chapter when a person refers a matter to the Ethics Board and abides by the Ethics Board’s Advisory Opinion, if the material facts are as stated in the written opinion request.
- (iv) The Ethics Board’s deliberations and actions upon such requests shall be in properly noticed meetings and held in closed session, pursuant to state statute, unless the person or organization requesting the Advisory Opinion

- or the person who is the subject of the Advisory Opinion requests, in writing, that the matter be heard and deliberated in open session.
- (v) No member or employee of the Ethics Board may make public the identity of the individual requesting an Advisory Opinion or of individuals or organizations mentioned in the opinion.
 - (vi) Advisory Opinion shall be written and provided to the requesting party. The written Advisory Opinion and the records obtained or filed in connection with requests for such Advisory Opinion shall be filed with the Ethics Board and closed to public inspection.
 - (vii) This provision shall not be interpreted to preclude the Ethics Board from compiling or publishing summaries of Advisory Opinions that are redacted to remove any information that would disclose the identity of any individual or organization.

(2) FORMAL OPINIONS.

The Ethics Board may issue a Formal Opinion interpreting the Ethics Code or applying the Ethics Code to postulated facts without a request from a county public official or employee. This process allows the Board to interpret the application of the Code to a universal concern and to address an issue that might not otherwise be raised in an Advisory Opinion request, Investigation Request or a Verified Complaint. Formal Opinions serve as an educational tool for Code compliance and a means for persons to avoid engaging in an activity that might otherwise become a matter for the Investigation Request or the Verified Complaint processes.

- (a) If the Ethics Board determines that a Formal Opinion would provide useful guidance on an issue of broad concern or assist individuals who are subject to the Code to comply with its terms, the Ethics Board shall adopt a resolution to that effect which identifies the issue the Ethics Board intends to address.
- (b) Upon adoption of such a resolution, the Ethics Board shall discuss that issue in a properly noticed meeting pursuant to the Open Meetings law.
- (c) Formal Opinions shall be written, filed with the Ethics Board, included in the Annual Report and public record and provided for public inspection.
- (d) The records obtained or filed in connection with Formal Opinion resolutions shall be filed with the Ethics Board and available for inspection.

(3) CORPORATION COUNSEL OPINIONS

Corporation Counsel provides legal advice and interpretation of county ordinances except for the Code of Ethics, for which the sole interpreter is the Ethics Board. It is incumbent upon the Corporation Counsel in its role as counselor to inform a person subject to this Code that the Ethics Board opinion should be obtained pursuant to secs. 9.09(1) and 9.09(4) when particular fact situations implicate the provisions of the Code.

- (a) A county public official or employee or other person may request in writing that the Ethics Board obtain an Advisory Opinion from the Corporation Counsel regarding the application of this chapter to a given set of circumstances.
- (b) The Ethics Board may request in writing an Advisory Opinion from Corporation Counsel.
- (c) Any written Advisory Opinion requested of Corporation Counsel under this section is subject to the provisions and process of sec. 9.09 (1).

(4) INVESTIGATION REQUESTS AND VERIFIED COMPLAINTS

- (a) INVESTIGATION REQUESTS AND VERIFIED COMPLAINTS IN WRITING: Investigation Requests shall be in writing. The Ethics Board shall review them. Verified Complaints shall be in writing and sworn to as provided in sec. 9.02(20). The Ethics Board shall review them.
- (b) TIMELY FILING REQUIRED: Pursuant to Ch.19, Wis. Stats., when an Investigation Request or Verified Complaint is filed it does not become part of the public record. No action may be taken on any Verified Complaint that is filed later than 3 years after a violation of the Code is alleged to have occurred. On-going alleged violations that began earlier than three years after being alleged in an Investigation Request or Verified Complaint may be reviewed to the point of origination, included in the hearing on the Verified Complaint, and be found to be violations of the Code.
- (c) REFERRAL TO THE DISTRICT ATTORNEY: After filing with the Ethics Board, the Investigation Request or Verified Complaint is referred to the District Attorney for review and investigation. The Ethics Board will not act on an Investigation Request or Verified Complaint until the District Attorney returns the Investigation Request or Verified Complaint and states in writing that the Ethics Board may act on the Investigation Request or Verified Complaint.
- (d) RELEASE BY DISTRICT ATTORNEY: After released by the District Attorney, the Ethics Board may review the Investigation Request or Verified Complaint.
- (e) NOT PUBLIC RECORDS: Investigation Requests and Verified Complaints are not “public records” unless the person who is the subject of the Investigation Request or Verified Complaint requests, in writing, that the matter be made part of the public record.
- (f) NOTIFICATION TO ACCUSED: Within 10 days of the District Attorney’s release of an Investigation Request or Verified Complaint, the board shall forward to the subject of the Investigation Request or Verified Complaint a copy of it and a general statement of the applicable Code provisions with respect to such Investigation Request or Verified Complaint.
- (g) COMPLIANCE WITH OPEN MEETING LAW: The Ethics Board’s deliberations and actions upon such Investigation Request or Verified Complaint shall be in properly noticed meetings and held in closed session, pursuant to state statute, unless the person who is the subject of the Investigation Request or Verified Complaint requests, in writing, that the matter be heard and deliberated in open session.
- (h) NO DISCLOSURE OF IDENTITY: No member or employee of the Ethics Board may make public the identity of the individual submitting the Investigation Request or Verified Complaint or of individuals or organizations mentioned in the Investigation Request or Verified Complaint.
- (i) REVIEW IN CLOSED SESSION: The review of the Investigation Request or Verified Complaint shall proceed in closed session.

- (j) **WRITTEN DECISIONS:** Decisions on Investigation Requests or Verified Complaints shall be written and provided to the subject of the Investigation Request or Verified Complaint and filed with the Ethics Board.
 - i. If the Ethics Board determines that the review of the Investigation Request or Verified Complaint does not produce facts sufficient to merit a conclusion that a violation of the Code has occurred, it shall take no further action on the Request or shall dismiss the Complaint and notify the subject of the Investigation Request or Verified Complaint.
 - ii. If the Board determines that the Investigation Request provides a basis for finding probable cause exists sufficient to constitute a violation of the Code, the Ethics Board may make, upon its own motion in closed session, a Verified Complaint. It shall be in writing, and shall state the alleged specific acts or omissions constituting a violation of the Code by an identified person subject to the Code. Such Verified Complaint would follow the provisions of sec. 9.10 et. seq.
- (k) **HARASSMENT DISCLOSURE:** If the Board determines that the Investigation Request or Verified Complaint was brought for harassment purposes, the Board shall so state.
- (l) **NOT PUBLIC RECORDS:** Investigation Requests or Verified Complaints that do not result in decisions that an alleged code violation exists would not be “public records.” This provision shall not be interpreted to preclude the Ethics Board from compiling or publishing a summary of the unsubstantiated Investigation Requests that are redacted to remove any information that would disclose the identity of any individual or organization.
- (m) **PUBLIC RECORDS:** Verified Complaints that result in findings of Code violations would become “public records” upon completion of all Ethics Board proceedings.

9.10. Preliminary Conference.

(1) PRELIMINARY CONFERENCE:

- (a) **VOLUNTARY RESOLUTION:** Every effort should be made to voluntarily resolve an allegation that the Ethics Code has been violated.
- (b) **BOARD PROCEDURE:** Following the release by the District Attorney, an Investigation Request or a Verified Complaint that provides a reasonable basis for the belief that a violation of the Code has or might have occurred or is ongoing, the Ethics Board shall schedule a preliminary conference during the closed session of a properly noticed Ethics Board meeting.
- (c) The Ethics Board shall notify both the person who filed the Investigation Request or Verified Complaint and the person who is the subject of the Request or the Complaint that a Preliminary Conference has been scheduled for closed session.
- (d) The Ethics Board shall state in the notice the nature and purpose of the Preliminary Conference and the actions or activities to be discussed, and that those notified of the Conference may bring evidence or witnesses with them for review.
- (e) The Ethics Board shall confer with each party separately.

1. The Ethics Board shall administer an oath to each person appearing in the matter.
2. The person who submitted the Investigation Request or the Verified Complaint shall meet with the Ethics Board first.
3. The person(s) who is subject to the Investigation Request or Verified Complaint shall meet subsequently with the Ethics Board.
4. If the Ethics Board needs additional information it may pursue it on its own. The Ethics Board also shall provide both persons-- the person who submitted the Investigation Request or Verified Complaint and the subject(s) of the Investigation Request or Verified Complaint, additional time for submission of any further evidence or witness appearance. If necessary, the Ethics Board shall extend the Preliminary Conference and establish an additional meeting time to complete the Preliminary Conference.
5. After obtaining all the information it needs, the Ethics Board will deliberate in closed session without either or any of the parties present.

(2) PRELIMINARY CONFERENCE OUTCOMES:

- (a) DISMISSAL: If the Ethics Board determines that probable cause does not exist to find that a violation of the Code has occurred or that the matter does not warrant further action, it shall dispose of the Investigation Request or Verified Complaint through written dismissal.
- (b) DISMISSAL WITH CONDITIONS: If the Ethics Board determines during the course of the Preliminary Conference that the subject of the Investigation Request or Verified Complaint recognizes that a minor violation of the Code has occurred, which has been rectified or will be rectified, the Ethics Board may enter into a stipulation with the subject of the Investigation Request or the Verified Complaint, and shall issue a written dismissal of the Request or Complaint on condition that the matter can be reopened if similar or other minor violations occur within three years. The stipulation will remain part of the closed record.
- (c) SETTLEMENT: If the Ethics Board determines during the course of the Preliminary Conference that actions or omissions of the subject of the Investigation Request or Verified Complaint constitute significant violations of the Code, it may enter into a settlement pursuant to sec. 9.13.
- (d) INVESTIGATION REQUEST: ORDER TO HEARING: If the Ethics Board determines during the course of the Preliminary Conference that actions or omissions of the subject of the Investigation Request constitute significant violations of the Code, it may, on its own motion, file a Verified Complaint and shall issue an order to proceed to the hearing process and set a date for a hearing to determine whether a violation of the Code has occurred.
- (e) VERIFIED COMPLAINT: ORDER TO HEARING: If the Ethics Board determines during the course of the Preliminary Conference that the actions or omissions of the subject of the Verified Complaint constitute violations of the Code, it shall issue an order to proceed to a hearing to determine whether a violation of the Code has occurred.
- (f) AMENDMENT: If the Ethics Board determines during the course of the Preliminary Conference that violation(s) of the Code allegedly exist, other than the violations alleged in

the Investigation Request or Verified Complaint, it may draft or amend the Investigation Request or Verified Complaint, upon its own motion, to include such violation(s).

(3) PREHEARING PROCESS:

(a) NOTICE AND COPY OF ORDER: The Ethics Board shall mail a copy of the order to proceed to a hearing to each subject of the Verified Complaint who is identified in the motion together with a notice informing the subject of the Verified Complaint that the matter will proceed to the hearing process. The notice shall include the written motion, a general statement of the applicable provisions of the Code that will be considered at the hearing and the date set for the hearing. Service of the notice is complete upon mailing.

(b) HEARING WITHIN 30 DAYS: A hearing ordered under this subsection shall be commenced within 30 days after the date it is ordered unless the subject(s) of the Verified Complaint and hearing order petition(s) in writing for a later date and the Board consents in writing.

(c) DISCOVERY RIGHTS: Prior to convening any hearing ordered under this subsection the subject(s) of the Verified Complaint and hearing order is entitled to reasonable discovery rights including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

(d) EXCULPATORY EVIDENCE: The Ethics Board shall inform the subject(s) of the Verified Complaint and the hearing order of his/her/their counsel of exculpatory evidence in its possession.

9.11 HEARING PROCEDURE

(1) During any hearing the members of the Ethics Board will be the finders of fact, decide the conclusions of law and issue orders. They will determine whether a violation of the Code has occurred. All evidence that the Ethics Board considers shall be fully offered and made a part of the record in the proceedings. The subject(s) of the hearing or any other person under investigation shall be afforded an adequate opportunity to rebut or offer countervailing evidence

(2) The Ethics Board shall appoint a hearing examiner to conduct the hearing. The Ethics Board may also retain outside counsel and other experts as needed with respect to the hearing, in accordance with its policies. The selection of a hearing examiner and outside counsel or other experts and any contract for such persons shall be made after solicitation of recommendations from corporation counsel and the contract shall be approved for form and content by corporation counsel.

(3) Any person, other than the subject(s) of the hearing, whose name is mentioned or who is otherwise identified during a hearing being conducted by the Ethics Board, and who, in the opinion of the Ethics Board, may be adversely affected thereby, may, upon written request of the person or counsel of the person, or upon the request of any member of the Ethics Board, appear at the hearing to testify on his or her own behalf or have counsel appear to represent his/her interests, and the Ethics Board may permit any other person to appear and testify at a hearing.

(4) Chapters 901 to 911, Wis. Stats., apply to the admission of evidence at the hearing.

(5) The Ethics Board shall not find a violation of the Code except upon clear and convincing evidence admitted at the hearing, according to an affirmative vote of four member of the Ethics Board.

(6) The hearing examiner during the hearing on behalf of and/or at the behest of the Ethics Board shall have the power to require any person to submit, in writing, such reports and answers to questions relevant to the proceedings conducted under the Code as the Ethics Board may prescribe, such submission to be made within such reasonable time period and under oath or otherwise as the Ethics Board may determine. The hearing examiner shall have the power:

- (a) To administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the hearings being conducted.
- (b) To order testimony to be taken by deposition before any individual who has the power to administer oaths and, in such instances, to compel testimony and the production of evidence.
- (c) To order the payment of witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.
- (d) To request and obtain from the department of revenue copies of state income tax returns and access to other appropriate information regarding all persons who are the subject of the hearing pursuant to Chapter 19, Wis. Stats.

(7) During the hearing the subject(s) of the hearing proceedings or the subject(s) of the Verified Complaint may be represented by counsel of his or her own choosing.

(8) During the hearing, the subject(s) of the hearing or his or her or their counsel, if any, shall have an opportunity to examine all documents admitted at the hearing, to bring witnesses, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross examine adverse witnesses, and shall otherwise be able to exercise reasonable discovery.

(9) After the conclusion of the hearing the Ethics Board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the subject(s) of the hearing violated the Code.

9.12 FINDINGS OF FACT AND CONCLUSIONS; ORDERS AND RECOMMENDATIONS:

(1) If the Ethics Board determines that no violation of the Code has occurred, it shall immediately send written notices of such determination to the subject(s) of the hearing. Such a determination will not become part of the public record.

(2) If the Ethics Board determines that a violation of the Code has occurred it must prepare its findings of fact and conclusions of law that a violation(s) of the Code occurred, and it must make one or more of the following orders and recommendations:

- (a) An order requiring the subject of the hearing to conform his/her conduct to the Code.
- (b) An order requiring an individual who has been determined to have violated the Code to forfeit an amount not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation of the Code, along with a payment deadline.

- (c) An order for the specified return of county property or funds or gifts and/or restitution for the value of gifts, property and funds procured, obtained or retained as a result of the Code or in violation of the Code.
 - (d) Such other recommendation(s) or order(s) as may be necessary, appropriate and consistent with the intent and purposes of the Code.
 - (e) An order in any case when the Ethics Board determines that a violation has occurred that includes, when the determination warrants, a recommendation that the subject of the order be censured, suspended or removed from office or employment.
 - (i) In the case of a county public official, a recommendation shall be made to the appropriate appointing authority or county body that may censure, suspend or take action to remove the official from office or employment.
 - (ii) In the case of a county employee, a recommendation shall be made to the appropriate appointing authority or county body that the county employee be disciplined or discharged.
 - (f) An order that the findings of fact, conclusions of law and orders be made part of the public record, including instructions that certain information should be sealed or redacted based on the need to protect persons and documents that in the judgment of the Ethics Board should not be part of the public record.
- (3) The corporation counsel, when so requested by the Ethics Board, shall institute a civil proceeding under Chap. 778, Wis. Stats., to recover any forfeiture, restitution or declaratory order incurred under this section which has not been timely complied with by the subject of the order. Any forfeiture or other funds recovered under this section shall be remitted to the county treasurer. Any property ordered returned shall be returned to the county department or entity from which the property was taken, or to any other person or entity providing a gift.
- (4) No county entity, public official or employee shall authorize the subrogation of forfeitures, funds, restitution, attorney fees and costs, or anything of value to assist a person subject to a finding in an Ethics Board hearing order.

9.14 SETTLEMENTS:

- (1) **AUTHORITY:** The Ethics Board may compromise and settle any action or potential action or a violation of the Ethics Code on such terms as may be agreed upon between the Ethics Board and the subject of the investigation or hearing. A compromise and settlement under this section may include any of the orders or recommendations which the Ethics Board is authorized to make under sec. 9.13 of the Ethics Code.
- (2) **WRITTEN AGREEMENT:** Whenever the Ethics Board enters into a compromise and settlement agreement under this section with an individual who has been alleged to have violated the Ethics Code in an Investigation Request or Verified Complaint or who is subject to the hearing process for a possible violation of the Ethics Code, the Ethics Board shall reduce the agreement to writing for signature by the Ethics Board chair and by the subject of the investigation or Verified Complaint process. The Ethics Board shall also prepare a written statement of the findings of the Ethics Board concerning the alleged violation and the Ethics

Board's reasons for entering into the agreement, which statement shall be retained as part of the public record.

(3) **FOUR VOTES REQUIRED:** A written settlement agreement can be entered into by the Ethics Board only upon the affirmative vote of four members of the Ethics Board.

9.14. Honorariums, Fees, and Expenses.

(1) Every county elected official, appointed official or employee is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups, and other gatherings to discuss the affairs of the county relative to the duties of that official or employee. Such public officials and employees present at such meeting relative to their duties as a public official or employee shall avoid accepting anything of value, not including the value of food and beverage offered coincidentally with a talk or meeting, if it could reasonably be expected to influence the public official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction or omission by the public official or employee.

(2) (a) Except as provided for in paragraph (b), every county public official or employee who is required to file a statement of economic interests, pursuant to sec. 9.03 and who receives any lodging, transportation, money, or other thing with a combined pecuniary value exceeding fifty dollars (\$50.00), not including the value of food or beverage offered coincidentally with a talk or meeting, shall report on his/her statement of economic interests the identity of every person from whom the county public official received such lodging, transportation, money, or other things during the preceding taxable year, the circumstances under which it was received, and the approximate value thereof.

(b) A county public official or employee need not report on his/her statement of economic interests under paragraph (a) any compensation, reimbursement, or payment which:

- (i). The county public official or employee returns to the payer within thirty (30) days of receipt;
- (ii) The county public official or employee can show by clear and convincing evidence was made for a purpose unrelated to the purposes specified in subsection (1) and unrelated to the duties or responsibilities of the position of the public official or employee;
- (iii) The county public official or employee has previously reported to the Ethics Board as a matter of public record; or
- (iv) The county public official or employee is paid by that branch of county government or county department or agency in which the public official or employee is empowered or to which he/she has been elected.

(3) Notwithstanding sec. 9.05, a county public official or employee may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for participation in a meeting and may receive and retain reasonable compensation if the work is published or the activity is accomplished by the county public official or employee without the use of the county's time or resources or property and outside the course of his/her official duties.

(4) If any county public official or employee, whether or not required to file a statement of economic interests, receives a payment not authorized by the Code, in cash or otherwise, for a published work or talk or meeting, the county public official or employee may not retain that payment. The county public official or employee shall deposit that payment in the general revenue account of the county, or the county public official or employee shall return that payment or its equivalent to the payer pursuant to sec. 9.14(2)(b)(i). If the county public official or employee is required to file a statement of economic interests, he/she shall report the payment prohibited by the provision when filing his/her next required statement of economic interests.

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 - President of the Board of the League of Women Voters of Greater Milwaukee
 - President of Milwaukee Bar Association
 - Chair of Public Policy Forum

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5.0 Appendix C: Committee Meeting Agenda

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Tuesday, December 12, 2007

Milwaukee County Courthouse, Room 201-B

10:00 am-12:00 pm

AGENDA

- I) Welcome and Overview of Study Committee Responsibilities - Joseph Rice
- II) Presentation and Discussion Regarding Milwaukee County Ethics Code and Enforcement
 - A. History of Development of Chapter 9 and Overview of Current Provisions - Robert Andrews
 - B. Ethics Board Structure, Operations, Recent Activities and Issues - Susan Shields
- III) Overview of Policy Issues and Options - Rick Ceschin
- IV) Evaluation of Model Codes of Ethics - Rick Ceschin
- V) Future Meeting Schedule/Agenda/Staffing - All
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Wednesday, January 31, 2007
Milwaukee County Courthouse, Room 201-B

10:00 am-12:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Data Review of Comparable Ethics Codes – Rick Ceschin
- III) Components for Inclusion in Milwaukee County Ethics Code – All
- IV) Discussion on External Subject Matter Experts – Joseph Rice
- V) Future Meeting Schedule/Agenda/Staffing – All
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Wednesday, February 21, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Update on Review of Comparable Ethics Codes - Rick Ceschin
- III) Reports from Subgroups - All
- IV) Discussion on External Subject Matter Experts – Charles Mulcahy/Hannah Dugan
- V) Communication from Supervisor Weishan
- VI) Future Meeting Schedule/Agenda/Staffing – All
- VII) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Wednesday, March 14, 2007
Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Update on Recorder Selection
- III) Reports from Subgroups
 - Complaint/Investigations Process
 - Enforcement
 - Transparency/Confidentiality
- IV) Review and discussion of initial draft
- V) Future Meeting Schedule/Agenda/Staffing – All
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Wednesday, April 18, 2007
Milwaukee County Courthouse, Room 201-B

1:30 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Discussion with District Attorney John Chisholm on District Attorney's Office Reorganization and Coordination on Ethics Complaints
- III) Ethics Board Annual Report - Ethics Board Executive Director Susan Shields
- IV) Reports from Subgroups
 - a) Complaint/Investigations Process – Hannah Dugan/Robert Andrews
 - b) Enforcement – Hannah Dugan/ Robert Andrews
 - c) Transparency/Confidentiality – Rick Ceschin/Joseph Rice
- V) Review and discussion of initial draft – Robert Andrews
- VI) Future Meeting Schedule/Agenda/Staffing – All
 - Meeting dates: May 16, 2007
 - June 20, 2007
 - Public Hearing Date - TBD
- VII) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Wednesday, May 16, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Report from Ethics Advisor regarding analysis of current code
 - Handout on complaint and investigation processes
- III) Summary of meeting with District Attorney's Public Integrity Unit Director
- IV) Summary of May 3, 2007 report to Committee on Judiciary, Safety and General Services
- V) Schedule of future activities
 - Meeting dates: June 20, 2007
 - July 11, 2007
 - Public Hearing Date (proposed) – Sept. 12, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Wednesday, May 30, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Follow-up on Referral Protocols with the Director of the Public Integrity Unit in the District Attorney's Office
- III) Review and discussion of "Summary of Code Provisions" - All
- IV) Review of Procedures for Complaints, Investigations and Hearings – Rick Ceschin
- V) Schedule of future activities
Meeting dates: June 20, 2007
July 11, 2007
Public Hearing Date (proposed) – Sept. 12, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Wednesday, June 13, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review and Discussion of Protocol from District Attorney's Public Integrity Unit Director.
- III) Review and Discussion of Revised Draft – Robert Andrews
- IV) Review of Plans for Public Hearing
- V) Schedule of future activities
Meeting dates: July 11, 2007
Public Hearing Date (proposed) – Sept. 12, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Wednesday, July 11, 2007
Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review of the Required Filings of the Statements of Economic Interest
 - a) The Pension Board Suggestions
- III) Review and Discussion of Revised Draft – Robert Andrews
 - a) Appointment Procedure
 - b) Political Activity
 - c) Complaint/Investigation/Hearing Procedure
- IV) Review of Plans for Public Hearing
- V) Schedule of future activities
 - Meeting dates: August 8, 2007
 - Public Hearing Date (proposed) – Sept. 19, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Wednesday, August 8, 2007
Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review and Discussion of Revised Draft – Robert Andrews
 - a) Ethics Board Nominations and Appointments
 - b) Review of Advisory and Formal Opinion Process
- III) Discussion of Complaint/Investigation/Hearing Procedure – Rice, Dugan
- IV) Review of Plans for Public Hearing
- V) Schedule of future activities
 - Meeting dates:
 - Presentation to the Judiciary, Safety and General Services Committee – Sept. 13, 2007
 - Public Hearing Date (proposed) – Sept. 19, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Wednesday, August 15, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review, Discussion and Approval of Revised Draft – Robert Andrews
 - a) Discussion of Revised Section 9.01 Ethics Policy and Principles – Rick Ceschin
 - b) Discussion of Complaint/Investigation/Hearing Procedure – Rice, Dugan
 - c) Discussion of Possible Budget Impact – Rick Ceschin
- III) Review of Plans for Public Hearing and Presentation to County Board
- IV) Schedule of future activities
 - Meeting dates: Supplemental Study Committee meetings – TBD
 - Judiciary Committee – September 13, 2007
 - Public Hearing Date (proposed) – Sept. 19, 2007
- V) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Wednesday, August 30, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review and Discussion of Revised Draft – Robert Andrews
 - a) Discussion of Cause of Violation/ Hearing Procedure/Findings – Rice, Andrews
 - b) Discussion of Possible Budget Impact – Susan Shields
 - c) Discussion of Additional Items for Inclusion in Final Draft - All
- III) Review of Plans for Public Hearing and Presentation to County Board
- IV) Schedule of future activities
 - Meeting dates: Judiciary Committee – September 13, 2007
 - Public Hearing Date (proposed) – Sept. 19, 2007
 - Committee Meeting – October 4, 2007
- V) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Monday, September 12, 2006
Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review, Discussion and Final Action on recommended Code provisions:
 - a) Complaint/Violation/Hearing Procedure/Findings – Andrews/Dugan
 - b) Other Additions or Corrections
- III) Review of Budget Recommendation – Susan Shields
- IV) Review of Plans for Public Hearing and Presentation to County Board
- V) Schedule of future activities
 - Meeting dates: Judiciary Committee – September 13, 2007 (status report)
 - Public Hearing Date – Sept. 19, 2007
 - Committee Meeting – October 4, 2007
 - Judiciary Committee – October 17, 2007 (complete report)
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Monday, September 12, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review, Discussion and Final Action on recommended Code provisions:
 - a) Complaint/Violation/Hearing Procedure/Findings – Andrews/Dugan
 - b) Other Additions or Corrections
- III) Review of Plans for Public Hearing
- IV) Report on September 14th Judiciary Committee Meeting
 - a) Committee Update
 - b) Referral of Resolution/Ordinance File No. 07-343 to require use of the State of Wisconsin's Statement of Economic Interests form.
- V) Schedule of future activities
 - Meeting dates: Public Hearing Date – Sept. 19, 2007
 - Committee Meeting – October 4, 2007
 - Judiciary Committee – October 17, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Monday, September 17, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Review, Discussion and Final Action on recommended Code provisions:
 - a) Complaint/Violation/Hearing Procedure/Findings
 - b) Other Additions or Corrections
- III) Review of Plans for Public Hearing
- IV) Report on September 14th Judiciary Committee Meeting
 - a) Committee Update
 - b) Referral of Resolution/Ordinance File No. 07-343 to require use of the State of Wisconsin's Statement of Economic Interests form.
- V) Schedule of future activities
 - Meeting dates: Public Hearing Date – Sept. 19, 2007
 - Committee Meeting – October 4, 2007
 - Judiciary Committee – October 17, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Milwaukee County
Code of Ethics Study Committee

Wednesday, September 19, 2007
Marquette University Law School
Sensenbrenner Hall, Room 307
1103 W. Wisconsin Ave
Milwaukee, WI 53233

6:00 pm

Public Hearing On:

Milwaukee County Ethics Code Study Committee
Report and Recommendations

AGENDA

- 1. Presentation by the Committee Members**
- 2. Public Comment**
- 3. Adjournment**

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee
Thursday, October 4, 2007
Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Discussion with Ethics Board of Preliminary Recommendations
- III) Review of Comments from Public Hearing
- IV) Discussion and Approval of Revised Code Draft
- V) Review of Proposal to Change Statement of Economic Interest Form
- VI) Review and Discussion of Updated Committee Report
- VII) Schedule of future activities
Meeting dates: - Presentation to the Judiciary, Safety and General Services
Committee – October 18, 2007
- VIII) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

Chairperson: Supervisor Joseph Rice, 278-4243

Code of Ethics Study Committee

Tuesday, October 9, 2007

Milwaukee County Courthouse, Room 201-B

2:00 pm

AGENDA

- I) Welcome - Joseph Rice
- II) Discussion and Approval of Revised Code Draft
- III) Review of Proposal to Change Statement of Economic Interest Form
- IV) Discussion and Approval of Committee Report
- V) Schedule of future activities
Meeting dates: - Presentation to the Judiciary, Safety and General Services
Committee – October 18, 2007
- VI) Adjournment

<p>ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities 278-3932 (Voice) or 278-3937 (TTD) upon receipt of this notice.</p>

6.0 Appendix D: Protocol with District Attorney's Office

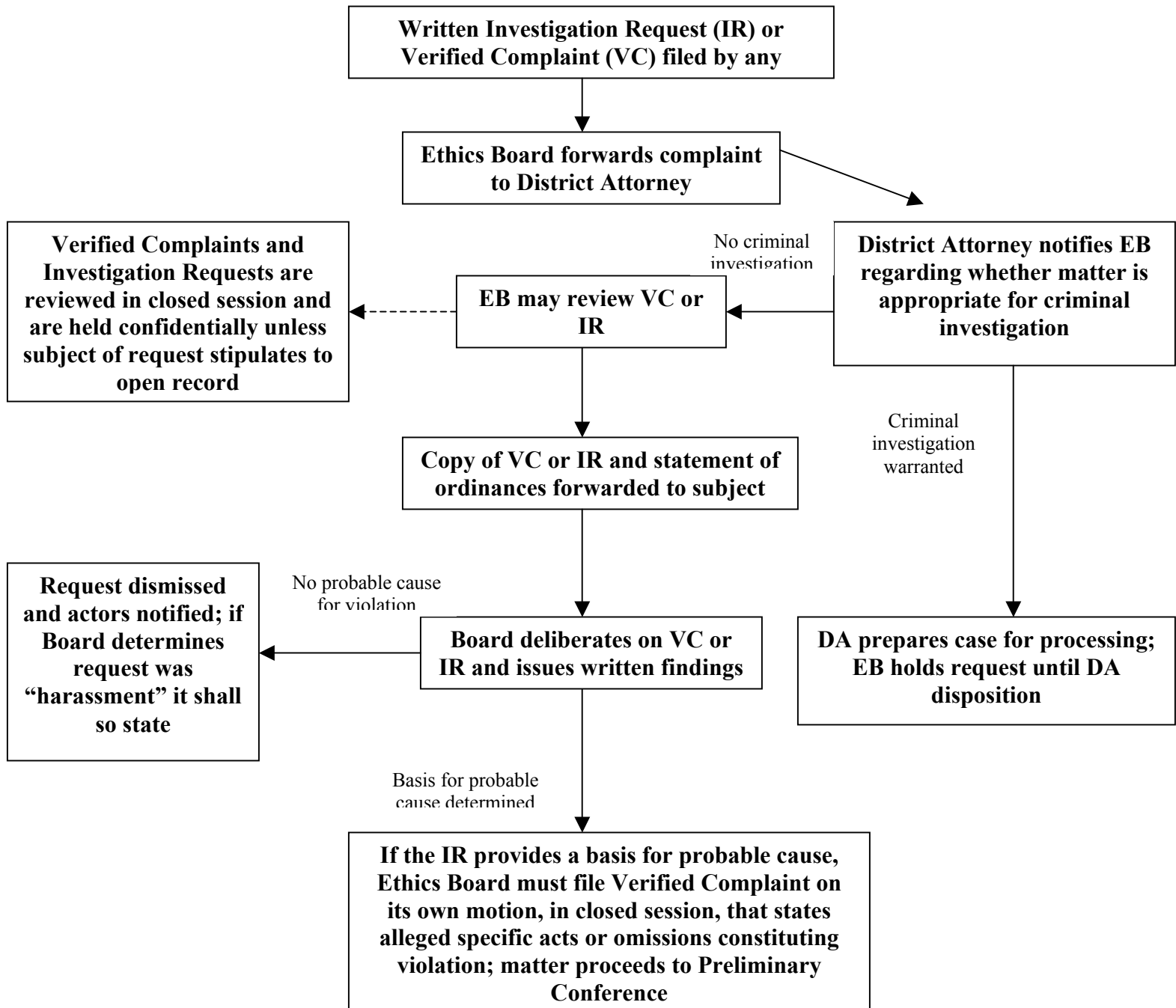
COOPERATION PROTOCOL FOR THE MILWAUKEE COUNTY ETHICS BOARD AND THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE

The Milwaukee County Ethics Board and the Milwaukee County District Attorney's office seek to acknowledge the benefits to both entities of an increased level of cooperation and communication between them. In order to foster and continue this level of cooperation and communication the following protocol shall be followed:

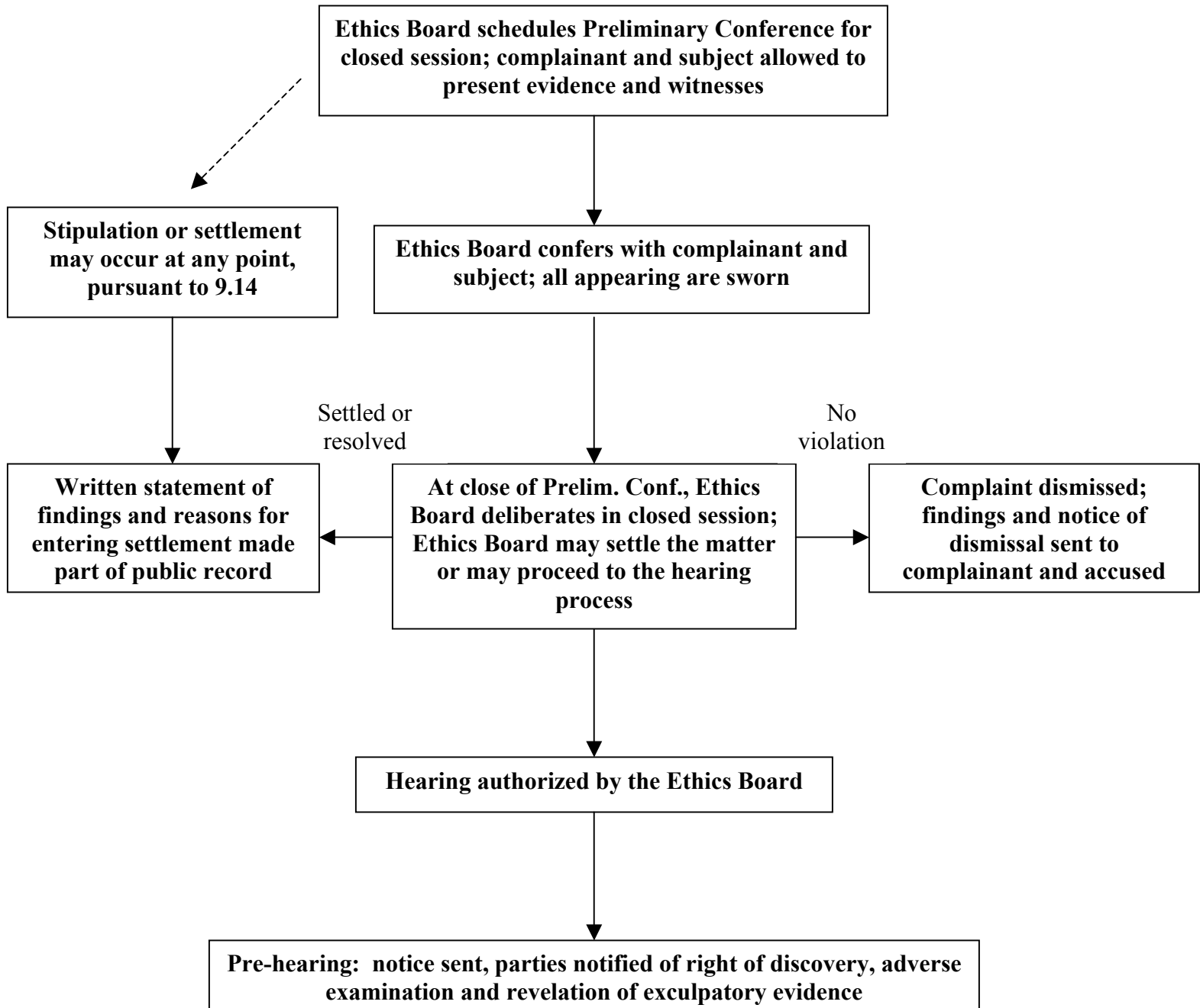
1. All verified complaints received or generated by the Ethics Board, shall be forwarded to the District Attorney's Public Integrity Unit within five days of receipt.
2. Within 10 days of receipt the District Attorney's office shall notify the Ethics Board regarding whether the matter is appropriate for criminal investigation. The Ethics Board shall withhold action on the complaint until the District Attorney's office has submitted written notice of the results of its investigation. It is anticipated that the Ethics Board will defer actions in all matters involving criminal investigation and/or proceedings by the District Attorney's office.
3. In the event a criminal investigation is commenced, the District attorney shall share information, to the extent permitted by law, with the Executive Director and the Chair of the Ethics Board.
4. At the conclusion of the investigation written notice will be provided to the Ethics Board informing the Board as to the results of the investigation.
5. In the event the District Attorney declines to commence a criminal investigation, the Ethics Board will be free to proceed on its own. At the conclusion of any such investigation, the Board will notify the DA of its findings and conclusions.
6. If either the Ethics Board or the Milwaukee County District Attorney's office determines at a future date that either will not follow this protocol, the party making the change will notify the other in advance in writing.

7.0 Appendix E: Flow Chart of Recommended Complaint, Investigation and Hearing Procedure

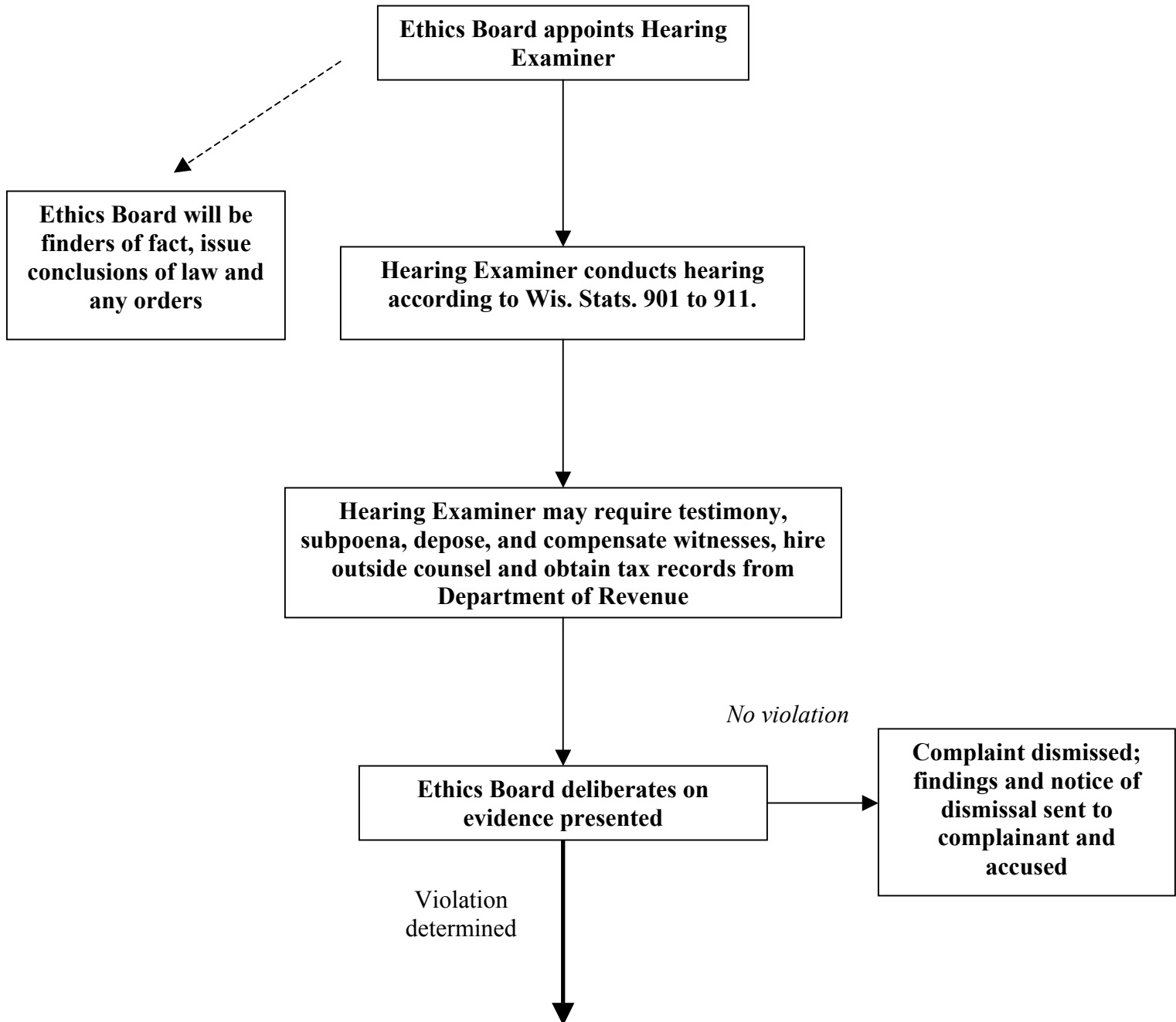
Investigation Requests and Verified Complaints (9.09(4))



Preliminary Conference (9.10)



Hearing Procedure (9.12)



Orders and Recommendations (9.13) and Settlements (9.14)

Ethics Board must issue one or more of the following orders:

- a) order accused to conform conduct to code**
- b) order forfeiture of \$100 - \$1000**
- c) order restitution or return of property/funds/gifts**
- d) other recommendations as appropriate and consistent with intent of Chapter**
- e) make the record public (redactions permitted)**
- f) refer recommendations to appropriate authority, determined by position held by accused, as shown:**

Public Official

Recommendation shall be made to the appropriate appointing authority or county body that may censure, suspend or take action to remove the official from office or employment

County Employee

Recommendation shall be made to the appropriate appointing authority or county body that the employee be disciplined or discharged

Subrogation of fines, forfeitures, restitution, attorney fees and costs or anything of value is prohibited

(9.14) Ethics Board may compromise and settle any action, in writing, upon affirmative action of Ethics Board

8.0 Appendix F: Ethics Board Funding

Expanded Funding Needed for Ethics Division

The Code of Ethics Study Committee is proposing changes to the Milwaukee County Ethics Code which will require a renewed commitment of resources to accomplish the following:

- 1) Provide a more complete and better guide to educate county public officials, employees and others subject to the code to enhance compliance with new, appropriate and necessary ethical standards.
- 2) Assure the public that the ethics code (properly administered) provides a meaningful standard of conduct for county public officials, employees and others subject to the code and is a reflection of community values.

The State of Wisconsin and Milwaukee County have always prided themselves on their clean government and the integrity of their public officials and employees. Recent events, both locally and statewide, have shaken public confidence in government.

The proposed code revisions, and the provision of adequate staff to implement and administer them, will assist county officials and employees in working to restore public confidence in Milwaukee County government.

Since the Ethics Board's inception in 1978, the funding of staff has remained the same. It has consisted of .25 FTE of the Executive Director and .25 FTE of the Administrative Assistant cross charged from the Personnel Review Board. This amount is inadequate at \$50,606. A more concentrated approach is necessary. The addition of one (1) full-time Administrative Assistant at \$57,224 would allow the Ethics Board to devote more time to achieving the following goals:

- 1) Education of county employees and elected officials of ethics code provisions, including the regular provision of copies of the code and its content and importance to new employees.
- 2) Create opportunities for all those affected by the code to regularly review and understand code provisions through a website tutorial.
- 3) Create better access for the public to the ethics code and the decisions of the Ethics Board.
- 4) To liaison with the District Attorney's new Office of Public Integrity.
- 5) Increased attention directed to the County's lobbying ordinances and standards of conduct in this area.
- 6) Adequately monitor and review of Statements of Economic Interests and their contents, as well a provision of reports.
- 7) Adequately investigate reporting anomalies and background data.
- 8) Post-legal advisories for Board and public access.

The current total 2008 budget request for the Ethics Board is \$56,931. The Ethics Code Study Committee would propose the following additions:

<u>Description</u>	<u>Amount</u>
1 FTE Executive Director	\$103,199
1 FTE Administrative Assistant	57,224
Operations costs (for office equipment, space abatement; also includes \$3,998 in services and commodities already in the 2008 budget request)	21,598
Independent Legal Services	5,000
Investigative Services	5,000
Website Tutorial (a one-time cost for self tutorial and addition of legal advisories)	<u>4,000</u>
TOTAL:	\$ 196, 021*

- * Does not include cost of restoration of .25 FTE of the Executive Secretary and AA in cross charges of \$50,606 to the Personnel Review Board budget.